IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Court No.3

Criminal Revision No. 70 of 2003

Smt.Vidhya Devi and 3 others ...Revisionists.

Vs.

Mohan Lal ..Respondent.

Hon'ble Irshad Hussain, J.

None appear for the revisionists. Heard Sri R.P. Nautiyal learned counsel for the respondent.

2- This is a revision under sections 19(4) of the Family Courts Act against the order dated 2.5.2003 passed by Principal Judge, Family Court, Dehradun whereby the application of the respondent-husband under section 127 of the Code of Criminal Procedure (for short 'Code') was partly allowed and the wife revisionist Smt. Vidhya Devi was not held entitled to any maintenance allowance in view of her earning through her engagement in Punjab National Bank E.C. Road, Dehradun. However the maintenance granted to master Alok and Ravi Revisionist Nos. 2 and 3 was maintained.

3- Having gone through the impugned order it is evidence that the parties were afforded full opportunity before disposal of the application under section 127 of the 'Code' and further that this aspect was taken into consideration that revisionist No.1 is employed gainfully in a nationalized bank and, therefore, she was able to maintain herself. The learned Judge also took note of the fact that the respondent-husband was burdened with the expenses of maintaining his mother, another son named Ajay and daughter Km. Chhabi who was prosecuting her studies. Consider these aspects of the matter the approach of the learned Principal Judge was just and proper and the impugned order was passed on fair appraisal of the material on record.

4- In view of above the revision is devoid of merit and is hereby dismissed.

(Irshad Hussain, J.)

Dated: 19-11-2003

ISB